

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 12, 2013

Mr. Donald Palef
Terrapark IV LP
420 East 54th St. Suite 12J
New York, NY 10022

RE: Municipal Setting Designation (MSD) Certificate for Ross Avenue and Harwood Street Block, 2000, 2010, 2014, 2016, and 2020 Ross Avenue; 820 Harwood Street; 2013 and 2021 San Jacinto Street ; MSD No. 222

Dear Mr. Palef:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at (512) 239-2960 or via e-mail (richard.goldsmith@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stuart Goldsmith".

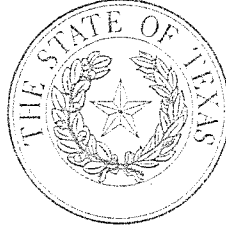
R. Stuart Goldsmith, Project Manager
VCP-CA Section
Remediation Division

RSG/jdm

Enclosure: MSD Certificate No. 222

cc: Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4, Dallas/Fort Worth

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 222, in the City of Dallas, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B", provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the institutional control required by Texas Health and Safety Code §361.8065 is maintained in effect.

Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 8th day of July, 2013

A handwritten signature in black ink, appearing to read "Zak Covar", written over a horizontal line.

Zak Covar
Executive Director
Texas Commission on Environmental Quality

LEGAL DESCRIPTION
FOR
MUNICIPAL SETTING DESIGNATION
218,709 SQ. FT. / 5.0209 ACRES

BEING a 5.0209 acre tract of land in the JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, City of Dallas, Dallas County, Texas and being part of City of Dallas Block 245 and being all of those tracts of land, described as Tract 2 and Tract 3 of a deed conveyed to Trinity Universal Insurance Company, recorded in Volume 5432, Page 398, Deed Records, Dallas County, Texas (D.R.D.C.T.) and also being all of those tracts of land, described as Tract A, Tract B, Tract C and Tract D, in a deed conveyed to Trinity Universal Insurance Company, recorded in Volume 5468, Page 86, D.R.D.C.T. and being all of those tracts of land, described as Tract I and Tract II of a deed conveyed to Crow-Williams #9, recorded in Volume 82202, Page 2068, D.R.D.C.T. and being more particularly described as follows:

BEGINNING at a nail found for corner at the intersection of the southwest right-of-way line of Olive Street (a 60' R.O.W.) with the Northwest right-of-way of San Jacinto Street (a 55' R.O.W.) and being the east corner of said Tract 2;

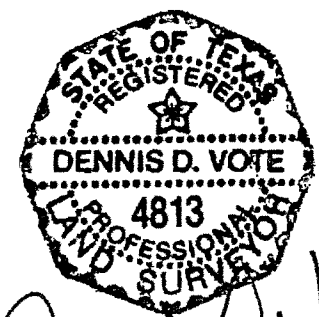
THENCE S 44 deg. 59 min. 21 sec. W, along the northwest right-of-way line of said San Jacinto Street and along the southeast lines of said Tract 2 and Tract 3 and also along a tract of land conveyed by deed to United Insurance Company of America, recorded in Volume 97091, Page 2704, D.R.D.C.T., a distance of 332.82 feet to an "X" cut in concrete found for corner in the northeasterly right-of-way line of Harwood Street (a 60' R.O.W.) and being the south corner of said United Insurance Company of America tract of land;

THENCE N 45 deg. 00 min. 00 sec. W, along the northeasterly right-of-way line of said Harwood Street and along the southwest line of said United Insurance Company of America tract of land and also the said Tract A and Tract C, a distance of 350.00 feet to an "X" cut in concrete set for corner in the southeast right-of-way of Ross Avenue (an 80' R.O.W.) and also being the west corner of said Tract C;

THENCE N 44 deg. 18 min. 10 sec. E, along the southeasterly right-of-way line of said Ross Avenue and along the northwest line of said Tract C, Tract D and Tract B, and along the northwest line of the said Crow-Williams #9 tract of land, a distance of 325.87 feet to an "X" cut in concrete set for corner in the southwest right-of-way line of said Olive Street and being the north corner of said Crow-Williams #9 tract of land;

THENCE S 46 deg. 07 min. 46 sec. E, along the southwesterly right-of-way line of said Olive Street and the northeast line of said Crow-Williams #9 tract of land and the northeast line of said Tract 2, a distance of 353.96 feet to the POINT OF BEGINNING.

ALSO INCLUDING all of the public street rights-of-way surrounding and adjacent to the said above described parcel being Ross Avenue (80 foot public right-of-way), Olive Street (60 foot public right-of-way), San Jacinto Street (55 foot public right-of-way) and Harwood Street (60 foot public right-of-way) and containing a total of 218,709 sq. ft. or 5.0209 acres of land.



Dennis D. Vote
Feb. 16, 2012

Exhibit "B"

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input checked="" type="radio"/> NA ⁴
³ Do not submit application.			
⁴ NA only when no such municipality, private well owner, or retail public utility exists			

By 10.9.12

MSD Information:

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable.

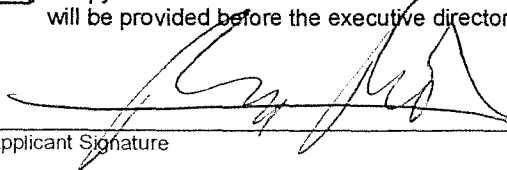
Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? January 2011	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes ⁵	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes ⁵	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

⁶ Do not submit an application.

I affirmatively state that (place an X in all applicable blanks):

- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice was provided in accordance with THSC §361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.


 Applicant Signature

Aug 19/12
 Date

Before me Kari Lubenstein the undersigned authority, on this day personally appeared
Donald Patel Name of Notary
 Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of New York, State of NY, on the 19th day of August, this month of 2012

TCEQ-20149 June 2007

KARL LUBENSTEIN
 Notary Public - State of New York
 No. 0216047693
 Qualified in New York County
 My Comm. Expires Sep. 5, 2014

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